

FILED

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OCT 01 2024

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CLERK U.S. DISTRICT COURT
WEST DIST OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

JUSTIN A. DARBY

Criminal No. 2:24-cr-207

(18 U.S.C. §§ 1519, 2251(a) and (e),
2252(a)(2) and 2252(b)(1),
2252(a)(4)(B) and 2252(b)(2))

[UNDER SEAL]

INDICTMENT

COUNT ONE

The grand jury charges:

On or about February 14, 2019, in the Western District of Pennsylvania, the defendant, JUSTIN A. DARBY, did knowingly alter, destroy, conceal, and cover up records and documents, namely records associated with the Kik messenger application on his cellular telephone, with the intent to impede, obstruct, and influence the investigation of JUSTIN A. DARBY for offenses involving the sexual exploitation of children, a matter within the jurisdiction of Homeland Security Investigations, an agency of the United States.

In violation of Title 18, United States Code, Section 1519.

COUNT TWO

The grand jury further charges:

From on or about October 25, 2021, through on or about October 28, 2021, in the Western District of Pennsylvania and elsewhere, the defendant, JUSTIN A. DARBY, did knowingly attempt to receive any visual depiction, namely images and videos in computer graphic and digital files, using any means and facility of interstate and foreign commerce, and that has been shipped and transported in and affecting interstate and foreign commerce, by any means including by computer and the Internet, and the production of such visual depiction involved the use of a minor engaging in sexually explicit conduct, as those terms are defined in Title 18, United States Code, Section 2256, and the visual depiction is of such conduct.

In violation of Title 18, United States Code, Sections 2252(a)(2) and (b)(1).

COUNT THREE

The grand jury further charges:

On or about October 28, 2021, in the Western District of Pennsylvania, the defendant, JUSTIN A. DARBY, did knowingly alter, destroy, conceal, and cover up records and documents, namely records associated with the Kik messenger application on his cellular telephone, with the intent to impede, obstruct, and influence the investigation of JUSTIN A. DARBY for offenses involving the sexual exploitation of children, a matter within the jurisdiction of the Federal Bureau of Investigation, an agency of the United States.

In violation of Title 18, United States Code, Section 1519.

COUNT FOUR

The grand jury further charges:

From on or about September 20, 2021, through on or about October 29, 2021, in the Western District of Pennsylvania and elsewhere, the defendant, JUSTIN A. DARBY, did knowingly access with intent to view any visual depiction, namely images and videos in computer graphic and digital files, that has been shipped and transported using any means and facility of interstate and foreign commerce and which was produced using materials which have been shipped and transported, by any means including by computer and the Internet, and the production of such visual depiction involved the use of a minor engaging in sexually explicit conduct, as those terms are defined in Title 18, United States Code, Section 2256, and which involved a prepubescent minor and a minor who had not attained 12 years of age engaging in sexually explicit conduct, and the visual depiction was of such conduct.

In violation of Title 18, United States Code, Sections 2252(a)(4)(B) and (b)(2).

COUNT FIVE

The grand jury further charges:

From on or about September 30, 2021, through on or about October 22, 2021, in the Western District of Pennsylvania and elsewhere, the defendant, JUSTIN A. DARBY, did knowingly receive and attempt to receive any visual depiction, namely images and videos in a computer graphic and digital files, using any means and facility of interstate and foreign commerce, and that has been shipped and transported in and affecting interstate and foreign commerce, by any means including by computer and the Internet, and the production of such visual depiction involved the use of a minor engaging in sexually explicit conduct, as those terms are defined in Title 18, United States Code, Section 2256, and the visual depiction is of such conduct.

In violation of Title 18, United States Code, Sections 2252(a)(2) and (b)(1).

COUNT SIX

The grand jury further charges:

On or about September 30, 2021, in the Western District of Pennsylvania and elsewhere, the defendant, JUSTIN A. DARBY, did knowingly distribute and attempt to distribute any visual depiction, namely images in computer graphic and digital files, using any means and facility of interstate and foreign commerce, and that has been shipped and transported in and affecting interstate and foreign commerce, by any means including by computer and the Internet, and the production of such visual depiction involved the use of a minor engaging in sexually explicit conduct, as those terms are defined in Title 18, United States Code, Section 2256, and the visual depiction is of such conduct.

In violation of Title 18, United States Code, Sections 2252(a)(2) and (b)(1).

COUNT SEVEN

The grand jury further charges:

On or about September 30, 2021, in the Western District of Pennsylvania and elsewhere, the defendant, JUSTIN A. DARBY, did knowingly receive and attempt to receive any visual depiction, namely images and videos in computer graphic and digital files, using any means and facility of interstate and foreign commerce, and that has been shipped and transported in and affecting interstate and foreign commerce, by any means including by computer and the Internet, and the production of such visual depiction involved the use of a minor engaging in sexually explicit conduct, as those terms are defined in Title 18, United States Code, Section 2256, and the visual depiction is of such conduct.

In violation of Title 18, United States Code, Sections 2252(a)(2) and (b)(1).

COUNT EIGHT

The grand jury further charges:

On or about October 7, 2021, in the Western District of Pennsylvania and elsewhere, the defendant, JUSTIN A. DARBY, did knowingly receive and attempt to receive any visual depiction, namely images and videos in computer graphic and digital files, using any means and facility of interstate and foreign commerce, and that has been shipped and transported in and affecting interstate and foreign commerce, by any means including by computer and the Internet, and the production of such visual depiction involved the use of a minor engaging in sexually explicit conduct, as those terms are defined in Title 18, United States Code, Section 2256, and the visual depiction is of such conduct.

In violation of Title 18, United States Code, Sections 2252(a)(2) and (b)(1).

COUNT NINE

The grand jury further charges:

From on or about October 25, 2021, through on or about October 26, 2021, in the Western District of Pennsylvania and elsewhere, the defendant, JUSTIN A. DARBY, did knowingly receive and attempt to receive any visual depiction, namely images and videos in a computer graphic and digital files, using any means and facility of interstate and foreign commerce, and that has been shipped and transported in and affecting interstate and foreign commerce, by any means including by computer and the Internet, and the production of such visual depiction involved the use of a minor engaging in sexually explicit conduct, as those terms are defined in Title 18, United States Code, Section 2256, and the visual depiction is of such conduct.

In violation of Title 18, United States Code, Sections 2252(a)(2) and (b)(1).

COUNT TEN

The grand jury further charges:

On or about February 6, 2024, in the Western District of Pennsylvania and elsewhere, the defendant, JUSTIN A. DARBY, attempted to and did employ, use, persuade, induce, entice, and coerce a minor, known to the grand jury as Minor A, to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct, as those terms are defined in Title 18, United States Code, Section 2256, knowing or having reason to know that such visual depictions would be transported and transmitted using any means and facility of interstate and foreign commerce, and in and affecting interstate and foreign commerce, and such visual depictions were produced and transmitted using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, and such visual depictions were transported and transmitted using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Sections 2251(a) and (e).

COUNT ELEVEN

The grand jury further charges:

On or about February 6, 2024, in the Western District of Pennsylvania and elsewhere, the defendant, JUSTIN A. DARBY, did knowingly receive and attempt to receive any visual depiction, namely images and videos of Minor A, in computer graphic and digital files, using any means and facility of interstate and foreign commerce, and that has been shipped and transported in and affecting interstate and foreign commerce, by any means including by computer and the Internet, and the production of such visual depiction involved the use of a minor engaging in sexually explicit conduct, as those terms are defined in Title 18, United States Code, Section 2256, and the visual depiction is of such conduct.

In violation of Title 18, United States Code, Sections 2252(a)(2) and (b)(1).

FORFEITURE ALLEGATIONS

1. Pursuant to Federal Rule of Criminal Procedure 32.2, notice is hereby given to defendant JUSTIN A. DARBY that the United States will seek forfeiture as part of any sentence in accordance with Title 18, United States Code, Section 2253, in the event of the defendant's conviction under Counts One through Eleven of this Indictment.

2. Pursuant to Title 18, United States Code, Section 2253, upon conviction of the offenses set forth in Counts Two and Four through Eleven of this Indictment, in violation of Title 18, United States Code, Sections 2251 and 2252, the defendant, JUSTIN A. DARBY, shall forfeit to the United States of America:

- a. Any visual depiction described in Title 18, United States Code, Section 2251, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, or shipped, in violation of Title 18, United States Code, Chapter 110;
- b. Any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from the offense; and
- c. Any property, real or personal, used or intended to be used to commit or to promote the commission of the offense.

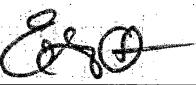
3. The property subject to this forfeiture notice includes, but is not limited to:

one (1) Apple iPhone A1549 IMEI 354445066305029; and (1) Apple iPhone XR IMEI 356833112385665.

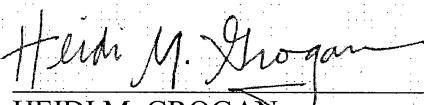
A True Bill,



FOREPERSON



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